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January 8, 2003

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, 2nd Floor
Boston, Massachusetts 02110

Re: D.T.E. 02-82 - Relay Services

Dear Ms. Cottrell:

Verizon Massachusetts (“Verizon MA”) hereby responds to comments filed regarding the continuation of Verizon MA’s service agreement with Vista Information Technologies, Inc. (“Vista”) to provide relay services in Massachusetts. As discussed below, Verizon MA’s extension of that agreement is a reasonable business decision and clearly is in the public interest.

First, as a threshold legal matter, Verizon MA is not required to issue a new Request for Proposal (“RFP”), but rather may contract with Vista to continue its provision of relay service beyond the expiration of the existing agreement in June 2003, under acceptable rates, terms and conditions. As stated in Mass. General Laws c. 159, § 15E(d), a common carrier is required only to issue an RFP for relay services, subject to Department review and approval, “prior to” the implementation of such services.¹ Verizon MA first implemented relay services in Massachusetts in 1991, in accordance with state law.

Second, Vista was selected to provide relay services in Massachusetts as the result of a competitive RFP bid process in 1998. In D.T.E. 98-73, the Department determined that the terms of the RFP passed the reasonable and appropriateness standard, and therefore provided for reliable, quality service at the lowest cost to consumers. D.T.E. 98-73, *Order*, at 16. Verizon MA’s extension of Vista’s contract will incorporate and

¹ Indeed, as recognized by the Department, “[a]bsent a statutory change, the Department’s role in this process is limited to reviewing and approving the request for proposal (“RFP”).” D.P.U. 95-54, *Order*, at 5 (1995) D.T.E. 98-73, *Order*, at 7 (1998).

conform to that RFP and comply with applicable state and federal requirements for relay services. *See e.g.*, Mass. General Laws c. 159, §§ 15E(c) & (d).

Third, as stated in Verizon MA's November 6, 2002, letter, Vista has consistently performed at high quality service levels since it began providing relay services in Massachusetts in 1999. This is evidenced by the positive comments filed in this proceeding by several Massachusetts consumers in support of Vista's continued provision of relay services.² Moreover, pursuant to its existing contract, Vista has complied with TRS requirements recently promulgated by the Federal Communications Commission ("FCC"). In addition to the required services, Vista also currently provides advanced technology that is not required by the FCC or the Department, including Voice Carry Over ("VCO") to TTY, VCO to VCO, and enhanced protocol technology.³ Under an extended contract, Vista will continue to provide expanded features and functionality - and will do so at reduced rates, while maintaining high quality service standards.

In conclusion, based on Vista's proven performance levels and its ongoing service commitments, it is appropriate for Verizon MA to continue Vista's relay services contract for a specified period beyond the current term, rather than conducting another RFP. Verizon MA considers an additional two-year contract with an option to renew for the third and fourth years as a reasonable extension of time. Accordingly, there is no basis for the Department to limit the duration of that contract extension or restrict Verizon MA's ability to continue its contract with Vista.

Thank you for your assistance in this matter and for the opportunity to respond to comments filed in this proceeding.

Very truly yours,

Barbara Anne Sousa

cc: Joan Foster Evans, Esq.
Michael Isenberg, Esq. – Telecommunications Director

² The only service provider to file comments in this proceeding is Hamilton Relay. In its December 16th letter, Hamilton Relay opposed Verizon MA's extension of Vista's contract in lieu of issuing an RFP. It should be noted that Hamilton Relay previously has never submitted a bid to provide relay services in Massachusetts.

³ *See* Massachusetts Relay Service, at <http://www.massrelay.org>; *Bell Atlantic Awards Massachusetts Relay Service Contract to Vista Information Technologies*, MATP Update (Massachusetts Assistant Technology Partnership, Boston, MA), Vol. 3, No. 2, Summer 1999, at 1, available at <http://www.matp.org/newsletters/summer99>.